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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,180	04/01/1998	BRIAN J. REISTAD	06543035001	2217
24573 7590 06/15/2005 BELL, BOYD & LLOYD, LLC PO BOX 1135 CHICAGO, IL 60690-1135			EXAMINER BACKER, FIRMIN	
			ART UNIT 3621	PAPER NUMBER
DATE MAILED: 06/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/054,180	REISTAD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Firmin Backer	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-36 and 39-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-36 and 39-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-36 and 39-63 rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (U.S. Patent No. 6,057,872) in view of Civanlar (U.S. Patent No. 6,005,935)

3. As per claim 12, Candelore teaches an electronic commerce system (*transaction communication system*,, *fig 1*) comprising a client computer (*receiving end, 130*) and a server computer (*transmitting end, 110*), (*see fig 1*) the client computer and the server computer being interconnected (*channel, 120*) by a public packet switched communications network (*see fig 1, column 5 lines 6-25*), the client computer being programmed to transmit to the server computer an order acceptance request comprising a plurality of terms or conditions of a proposed offer for a purchase, the order acceptance request comprising a discrete message that includes at least one of the modular elements individually protected by a cryptographic security code being a digital coupon (*see fig 1, 2, column 5 lines 6-25, 7 lines 19-9 line 65*), the server computer being programmed to process the order acceptance request based on pre-programmed criteria, including authentication of the cryptographic security codes embedded within each of the modular elements and examination of the modular elements of the discrete message individually

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protected by the cryptographic security codes, and, based on the processing of the order acceptance request, to transmit to the client computer an order acceptance response based on the pre-programmed criteria, the order acceptance response comprising a discrete message transmitted during a negotiation phase of a transaction that includes a plurality of modular elements whose individual integrity is protected by embedding cryptographic security codes within each of the modular elements, wherein the client computer is programmed to receive the digital coupon, protected by a cryptographic security code (*keys*), from another computer (*see fig 1, 2, column 5 lines 6-25, 7 lines 19-9 line 65*). Candolre fails to teach an inventive concept of a plurality of modular elements whose individual integrity is protected by embedding cryptographic security codes within each of the modular elements. However, Civanlar teaches a plurality of modular elements whose individual integrity is protected by embedding cryptographic security codes within each of the modular elements (*see column 1 line 46-55, 2 lines 6-45, 2 lines 65-3 lines 40*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Candolre to include Civanlar's a plurality of modular elements whose individual integrity is protected by embedding cryptographic security codes within each of the modular elements, because this would have provided a system and method which uses personal information as a key for protecting information sent over a communications network

4. As per claim 13-36, 39-63, they disclose the same inventive concept as claim 12.

Therefore, they are rejected under the same rationale.

***Response to Arguments***

5. Applicant's arguments filed March 21<sup>st</sup>, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art fail to teach an inventive concept of server computer being interconnected by a public packet switched communications network wherein each modular element is protected by a cryptographic security codes embedded within. Examiner respectfully disagrees with applicant characterization of the prior art. Candelore teach a communication system includes a controller for transmitting program services to a plurality of subscriber terminals via a communication channel. The program service may include television programs which are broadcast or continuously transmitted on a predetermined schedule, pay-per-view programs which require specific user selection and either a local transacted or remotely transacted purchase, Near Video-On-Demand which is pay-per-view offered at staggered broadcast times, and Video-On-Demand services, which are transmitted only in response to a user request, or other electronic information such as computer software. A usage pattern accounting center which is associated with a network controller may be provided. *The usage pattern accounting center can receive usage pattern data from the terminals via a communication link, such as an upstream path in the channel over which the program services are transmitted, or a telephone network (emphasis added).* This is especially useful for determining the viewership of commercials or infomercials wherein the cost of running the ad in a program is oftentimes a function of the estimated viewing audience. Candelore further teaches a controller to deliver different digital coupon information to

the different subscriber terminals based on the usage pattern data or other demographic or individual data which has been compiled by other means. The digital coupon information can provide different preconditions for obtaining the same credits, or the same preconditions for obtaining different credits. For example, it is possible to reward favored subscribers such as those who purchase relatively more programming by providing the favored subscribers with more coupons than other, less favored, subscribers when the same viewing preconditions are met. Various cryptographic techniques are employed to prevent unauthorized access to the digital coupons. According to Candelore the digital coupon information and program services can be encrypted according to a common cryptographic key. This could allow an authenticated file, for example, which represents a coupon image, to be sent to the decoders. The coupon could subsequently be redeemed as an authenticated image by transmitting the coupon from the decoder to the program service provider or other accounting center. For the above reason the rejection is maintain

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

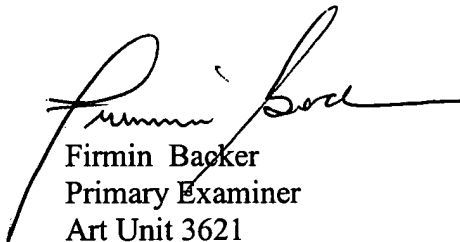
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

June 10, 2005